

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida
Minutes of Regular Meeting
March 12, 2012 @ 1:30 p.m.

Call to Order

Chair Hess called the meeting to order at 1:29 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

Roll Call

PRESENT

Paula Hess
Michael Gravesen
Michael Brown
James Marshall
Brenda Bossman

ABSENT

ATTENDING

Derek Rooney, Assistant County Attorney
Gayle Moore, Recording Secretary

APPROVAL OF MINUTES

The minutes of January 9, 2012 were approved as circulated.

ANNOUNCEMENTS

Chair Hess announced that item 2 on the agenda had been continued and would not be heard at today's meeting. The oath was administered, whereupon the meeting commenced.

PETITIONS

PA-12-01-03

Legislative

Commission District IV

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Preservation (PR) to Parks and Recreation (PKR); for property located north of the Charlotte County Gulf Cove Sewer Plant, southwest of the Myakka River, and east of C.R. 771, in the Port Charlotte area; containing 7.09± acres; Commission District IV; Petition No. PA-12-01-03; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Roxann Read, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated February 24, 2012. She noted that the requested change was to allow construction of a boat ramp on the subject property.

Questions for Staff

None.

Public Input

None.

Minutes of Regular Meeting Continued

March 12, 2012 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

Discussion

Chair Hess spoke in support of the project; **Mr. Marshall** joined in that support.

Recommendation

Mr. Marshall moved that application **PA-12-01-03** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated February 24, 2012, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

THE FOLLOWING ITEM WAS PULLED FROM THE AGENDA

Z-12-01-02 Quasi-Judicial Commission District IV

An Ordinance pursuant to Section 125.66 and 163.41, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG), Commercial Intensive (CI), Office, Medical, and Institutional (OMI), Residential Multi-Family – 10 (RMF-10), and Residential Single-Family – 3.5 (RSF-3.5) to Planned Development (PD), for property in the Murdock Village Community Redevelopment Area located north of SR 776, west of Collingswood Boulevard, south of U.S. 41, and east of Crestwood Waterway, in the Port Charlotte area, containing 1,129.15± acres; Commission District IV; Petition No. Z-12-01-02; applicant: Charlotte County Board of County Commissioners.

Z-11-12-28 Quasi-Judicial Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family Tourist (RMF-T) and Residential Multi-family 10 (RMF-10) to Environmentally Sensitive (ES), for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the Placida area; containing a total of 239.04± acres; Commission District III; Petition No. Z-11-12-28; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Inga Williams, Principal Planner, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 24, 2012. **Ms. Williams** noted that the plan amendment had already gone to the State Department of Economic Opportunity which had no comments regarding the project. She discussed the plan to provide staff housing on the property, both mobile homes for volunteers and a lodge for a caretaker.

Questions for Staff

Chair Hess asked Ms. Williams to clarify who had asked for the project; she also raised the issue of density and limits to development, due to a citizen email received by Board members. **Ms. Williams** clarified that the density is already limited to 3 units and in any event, conditions cannot be placed on a zoning action. **Ms. Bossman** asked for clarification regarding the volunteer housing; **Ms. Williams** noted that volunteers would bring their own RVs to the existing pads for six-week deployments during which they would do site work, park clean-up and other maintenance activities, and would also provide security in response to recent reports of vandalism.

Minutes of Regular Meeting Continued

March 12, 2012 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

Public Input

Mr. Jim Wade, President of HOA Preserve at Don Pedro and VP of Lemon Bay Conservancy. He stated that the County Attorney told him the density would be five units per acre. He spoke about meeting with the Commissioners and their impressions. He stated that he anticipated residential development would result from the requested change though the land was intended to be a park. He also commented about the impossibility of getting an RV onto the island. He asked that the change in zoning be restricted to only what the state has asked for and nothing more.

Chair Hess asked Mr. Wade to stay at the podium while the options were discussed; she included Mr. Rooney in this discussion. **Chair Hess** asked for information on how the promise not to develop this property further could be enforced, given that no conditions could be placed on the rezoning itself. **Mr. Rooney** agreed that conditioning a rezoning was not possible; however, he pointed out that it was already the position of the state that they would restrict themselves to only allowing the proposed, limited uses.

Ms. Bossman said a presence on the island was warranted for security; **Mr. Wade** said his house was adjacent to the state park and mischief is minor. He said he had spoken recently with someone who said there's a letter from the state that the state would restrict the density to pads and ranger cottage. Staff noted that the referenced letter was part of the information packet on this agenda item; **Mr. Wade** stated he had not reviewed the information packet for this item.

Mr. Rooney sought to clarify matters, noting that platted lots exist today on the barrier island which could be developed; if the State could not get the requested improvements, they could sell those platted lots, because the State intends to use up their entitlements. Due to the nature of zoning process, the County can't impose conditions, but the State has already conditioned themselves.

The letter from the state was accepted by Chair Hess as adequate. **Mr. Wade** asked Mr. Rooney if this change in zoning represents the 5 units per acre that he had been told about previously. Discussion ensued, and **Ms. Williams** clarified the density issue. **Mr. Rooney** emphasized that the proposed change is more restrictive than what is currently allowed. **Mr. Wade** conceded that he must have misunderstood the density information that he received previously.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

Discussion

Chair Hess noted that all agreed that this is a better state to leave the park in. **Ms. Bossman** agreed this would be a big benefit; she noted that there have been fires on the island because no one is on-site watching.

Recommendation

Ms. Bossman moved that application **Z-11-12-28** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated January 24, 2012, along with the evidence presented at today's meeting and carried by a unanimous vote.

Minutes of Regular Meeting Continued

March 12, 2012 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

Z-11-12-27

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG), Office, Medical and Institutional (OMI) and Commercial Tourist (CT) to Environmentally Sensitive (ES), for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally sensitive lands and east of Annapolis Lane, in the Rotonda area; containing 16.68± acres; Commission District III; Petition No. Z-11-12-27; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Roxann Read, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 23, 2012.

Questions for Staff

None.

Public Input

None.

- ***Mr. Marshall*** moved to close the public hearing, second by ***Mr. Gravesen*** with a unanimous vote.

Discussion

None.

Recommendation

Ms. Bossman moved that application **Z-11-12-27** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated January 23, 2012, along with the evidence presented at today's meeting, second by ***Mr. Marshall*** and carried by a unanimous vote.

Z-11-12-24

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 5 (RMF-5) to Environmentally Sensitive (ES), for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area; containing 106.97± acres; Commission District III; Petition No. Z-11-12-24; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 12, 2012. She noted the future of the property is governed by the terms of the FCT grant monies, which were used to purchase the property.

Questions for Staff

Chair Hess asked about future development of the site; ***Ms. Shao*** said that there are no plans to develop beyond the trails. ***Mr. Marshall*** asked about removal of exotic vegetation; it was pointed out that the terms of FCT grants require management of exotics.

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These minutes have been approved by the Charlotte County Planning and Zoning Board.

Public Input

Mr. James Bracken, resident of the area adjacent to the subject property, asked if this would be more stringent protection for existing scrub jays and tortoises. Staff reassured him on that point, noting that Preservation is the most restrictive land designation.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

Discussion

None.

Recommendation

Ms. Bossman moved that application **Z-11-12-24** be forwarded to the Board of County Commissioners with a recommendation of *Approval with seven conditions*, based on the findings and analysis in the staff report dated January 12, 2012, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

Z-11-12-25

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, on a bridgeless barrier island in the West County area; containing 35.04± acres; Commission District III; Petition No. Z-11-12-25; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Matt Trepal, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 18, 2012. He noted that the property is a preserve which was enrolled in the Conservation Charlotte program in order to preserve the environmentally-sensitive nature of the land.

Questions for Staff

Chair Hess asked for clarification that the site will not be developed; **Mr. Marshall** asked about the existing density. **Mr. Trepal** replied that the Board of County Commissioners had severed the existing 46 density units last year during the hearing on the plan amendment; because the site was purchased with Conservation Charlotte funds, when any transferred density is sold, those funds would need to be reimbursed to Conservation Charlotte, since the point of the program is to retire density, not to move it around.

Public Input

None.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

Discussion

Ms. Bossman asked who pays for the improvements – trails, signage, etc. **Mr. Trepal** answered that it is probably the County, as part of the parks program.

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March 12, 2012 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

Recommendation

Ms. Bossman moved that application **Z-11-12-25** be forwarded to the Board of County Commissioners with a recommendation of *Approval with seven conditions*, based on the findings and analysis in the staff report dated January 18, 2012, along with the evidence presented at today's meeting, second by **Mr. Marshall** and carried by a unanimous vote.

Z-11-12-26

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area; containing 28.63± acres; Commission District IV; Petition No. Z-11-12-26; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Roxann Read, Planner II, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated January 23, 2012. This property was purchased by the County as mitigation for the anticipated scrub jay impacts associated with development of Murdock Village.

Questions for Staff

Mr. Gravesen asked about whether density had been severed from this one as had been done with the prior petition; **Ms. Read** said that the density would be eliminated as part of the land use change that had come forward last year.

Public Input

None.

- **Mr. Marshall** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

Discussion

None.

Recommendation

Mr. Marshall moved that application **Z-11-12-26** be forwarded to the Board of County Commissioners with a recommendation of *Approval*, based on the findings and analysis in the staff report dated January 23, 2012, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

Ms. Bossman responded to Mr. Gravesen's question about density by pointing out it depends on how the property purchase was funded. **Mr. Gravesen** said that he has no problem with selling such density because tax payers get paid back. **Ms. Bossman** said that is appropriate unless the funds used are grant funds which require retirement of the density as a condition.

Z-12-01-01

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG), for property located northeast of Hayward Avenue, southwest of Hollis Avenue, east of Railroad Avenue and west of El Jobean Road, in the Port Charlotte area; containing 0.31± acres; Commission District IV;

Minutes of Regular Meeting Continued***March 12, 2012 @ 1:30 P.M.***

These minutes have been approved by the Charlotte County Planning and Zoning Board.

Petition No. Z-12-01-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Staff Presentation

Jie Shao, Planner III, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated February 17, 2012.

Questions for Staff

Chair Hess asked if the County wants to establish development rights in order to sell the subject property; ***Ms. Shao*** responded that the intention is to put a pump station on the property.

Public Input

None.

- ***Mr. Marshall*** moved to close the public hearing, second by ***Mr. Gravesen*** with a unanimous vote.

Discussion

None.

Recommendation

Mr. Marshall moved that application **Z-12-01-01** be forwarded to the Board of County Commissioners with a recommendation of *Approval with seven conditions*, based on the findings and analysis in the staff report dated February 17, 2012, along with the evidence presented at today's meeting, second by ***Ms. Bossman*** and carried by a unanimous vote.

There being no further business to come before the Board, meeting was adjourned at 2:13 p.m.